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LETTER DATED 21 JULY 1992 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF THE LIBYAN ARAB JAMAHIRIYA TO
THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you the attached note on the effects of the implementation of Security Council resolution 748 (1992) on the education and health sectors.

I should be grateful if you would have this note distributed as an official document of the Security Council.

(Signed) Abdussalam S. SERGIWA
Chargé d'affaires a.i.

Annex

Note on the effects of the implementation of Security Council
resolution 748 (1992) on the education and health sectors

The implementation of Security Council resolution 748 (1992) has affected many sectors, among them the education sector, in which it has had the following effects:

1. It has been impossible to obtain certain apparatus and operational and educational necessities, particularly some urgently needed, and this has impeded the implementation of education curricula and prevented the attainment of their objectives.

2. It was difficult for teachers under contract to travel to their countries, and their return to work in Libyan schools has been delayed, thereby affecting the start of the 1992/93 school year.

3. Libyan students abroad were unable to be present in the Jamahiriya in order to take their final examinations for the 1992/93 school year, and there were instances of psychological anxiety among students, particularly children, who feared possible military hostilities such as occurred in 1986.

In another context, the implementation of the air embargo has made it difficult to send away many sick patients, particularly cases requiring rapid transfer by air. Similarly, it has been difficult to transfer the bodies of deceased foreigners. The embargo has also made it impossible to evacuate many urgent medical cases needing treatment abroad, including heart surgery, kidney transplants, eye surgery and neurosurgery, and treatment for burns and gynaecological illnesses. The following table sets out these cases clearly, from the time when resolution 748 (1992) began to be implemented up to the end of June 1992.

Cases	April	May	June	Totals
Neurosurgery	-	5	6	11
Miscellaneous treatment	8	9	2	19
Burns	-	-	1	1
Kidneys	-	-	1	1
Intestinal disorders	-	-	2	2
Nose	-	-	1	1
Children's diseases	-	16	-	16
Heart surgery	-	5	6	11
Kidney transplants	-	6	5	11
Eyes	-	7	-	7
Gynaecological and obstetric treatment	4	8	-	12
Totals	12	56	24	92



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LETTER DATED 20 JULY 1992 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith the text of a statement made on 9 July 1992 by Mr. Ahmad Hussein, Minister for Foreign Affairs of the Republic of Iraq, concerning the series of incidents affecting the safety of personnel assigned to the United Nations Humanitarian Programme.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

Annex

Statement made by the Minister for Foreign Affairs
of Iraq on 9 July 1992

Commenting on the statement of the Spokesman for the Secretary-General of the United Nations issued on 9 July 1992 concerning the series of incidents affecting the safety of personnel assigned to the United Nations Humanitarian Programme, Mr. Ahmad Hussein, Minister for Foreign Affairs, stated as follows:

"It is astonishing that the statement of the Spokesman for the Secretary-General avoided identifying the locations at which the incidents took place. As is well known to the Office of the Coordinator of the United Nations Programme in Baghdad, all of the incidents took place in the northern governorates. The most recent was the attack on the premises of the United Nations Guards Contingent in Irbil on 8 July 1992 in which two of its members were injured, as we were informed by the officer in charge of the Contingent in Baghdad. The Coordinator of the United Nations Programme and the officer in charge of the United Nations Guards Contingent must have notified the Secretary-General of the United Nations of the details of these incidents and of the locations at which they took place. Why then did the Spokesman for the Secretary-General neglect to mention these details? The omission appears to be deliberate, because the Secretary-General of the United Nations knows very well, as does the entire world, that the government agencies have no presence in the northern governorates and that those governorates have for several months been a wide-open field for brigands, thieves and irresponsible groups and elements that have the direct support and encouragement of the United States of America and the countries allied with it. Responsibility for these incidents therefore falls on the United States of America and the coalition countries that have imposed this state of anarchy, in violation of the norms of international law, on the pretext of creating a "safe haven". Furthermore, the Kurdish parties also bear responsibility for these incidents. This, then, is what has been called the "safe haven" which the Governments of the United States of America and the United Kingdom and those of their allies have endeavoured to create. In this connection, it must be pointed out that the Iraqi authorities have provided protection to United Nations personnel and the locations at which they are stationed and that there have been no incidents in all of Iraq except for those to which we have referred in places where the Iraqi authorities have no presence. The Iraqi Government has provided assistance and facilities to United Nations personnel, as most recently exemplified in the immediate response of the Iraqi authorities concerned to the request of the Office of the Coordinator in order to ensure the well-being of the injured and their evacuation from the country. This stems from the concern of the Iraqi side for the safety of those assigned to the United Nations Humanitarian Programme in Iraq.

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"We have to inquire about the nature of the cooperation that the Secretary-General expects from the Iraqi authorities in ensuring the security and safety of United Nations personnel at a time when there are no Iraqi authorities in the areas that are experiencing a state of anarchy and where such assaults are being made."



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LETTER DATED 22 JULY 1992 FROM THE PERMANENT REPRESENTATIVE
OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE
SECRETARY-GENERAL

On instructions from my Government, I enclose herewith a statement delivered on Wednesday, 22 July 1992, by the official spokesman of the Ministry of Foreign Affairs of the Republic of Iraq concerning the decision to withdraw the inspection team from in front of the building of the Ministry of Agriculture and Irrigation.

I should be grateful if you would have this letter and its annex distributed as an official document of the Security Council.

(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

Annex

Statement by the spokesman of the Ministry for Foreign Affairs

The leader of the inspection team positioned in front of the building of the Ministry of Agriculture and Irrigation announced on the morning of Wednesday, 22 July 1992 that he had decided to withdraw the members of the inspection team from outside the building on the grounds that they had been threatened with physical violence and that the Government of Iraq had failed to fulfil its commitment to ensure the safety of the inspectors of the Special Commission.

Commenting on this statement, an authorized source in the Ministry of Foreign Affairs stated the following:

Since the beginning of the work of the United Nations Special Commission in Iraq in April 1991 right up to now, the commitment of the Iraqi side has been to provide complete protection and security for the inspectors and members of the Special Commission working in Iraq. No member of the Special Commission or inspector has been exposed to any bodily harm or dangers of that kind throughout this period, even though some leaders and members of the inspection teams, including the Americans, tried in every way to incite and provoke the Iraqi officials and citizens, and these attempts at provocation were even reported in the world press. The French newspaper Libération on 22 October 1991 carried a statement by a French expert member of an inspection team of the Special Commission to the effect that the American inspectors had deliberately sought a confrontation with the Iraqi side, even hoping that one of the members of the mission would be killed, thereby justifying American intervention.

As regards the present inspection team that has been positioned since 5 July 1992 in front of the building of the Ministry of Agriculture and Irrigation, the Iraqi side has provided it with all the protection requested, and we challenge the leader of the inspection team to mention a single incident in which any member of his team has been exposed to bodily harm, even though the team has been located in a street in the centre of Baghdad both day and night, and has sorely provoked the feelings of Iraqi citizens by taking up a position in front of the Ministry building, a symbol of the national sovereignty of the Iraqi people.

The decision to withdraw the inspection team stems from the dilemma in which the Special Commission found itself after Iraq had expressed its readiness to accept the formation of a neutral team to inspect the Ministry in order to ascertain the falsity of allegations concerning the presence of prohibited materials on its premises. The pretext of bodily harm is an idle one: it seems clear that the underlying intention is to create a situation enabling the influential members of the Security Council harbouring hostility towards Iraq to commit unlawful intervention, thereby achieving their political aims through aggression.



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LETTER DATED 22 JULY 1992 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I enclose herewith a letter dated 22 July 1992 from Mr. Ahmad Hussein, Minister for Foreign Affairs of the Republic of Iraq, concerning the continuation by American and British aircraft of the dropping of thermal flares on farmlands in Ninawa governorate.

I should be grateful if you would have this letter and the attached letter from the Minister for Foreign Affairs of the Republic of Iraq distributed as an official document of the Security Council.

(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

Annex

Letter dated 22 July 1992 from the Minister for Foreign Affairs
of Iraq addressed to the Secretary-General

Further to my letters dated 23 and 28 June 1992, I have the honour to inform you that American and British aircraft, as part of their continuing attempts to inflict as much damage as possible on the food supply of the people of Iraq, have continued to drop thermal flares on farmlands in Ninawa governorate, setting them ablaze. Details of these new incidents are given below.

1. At 1300 hours on 28 June 1992, the aircraft set fire to fields of stubble situated between the villages of Shaykh Amir and Maftiyah in Ninawa governorate, in an area of some 200 dunums.
2. At 1112 hours on 8 July 1992, an A-10 aircraft dropped a thermal flare in an area north-west of Saddam in Ninawa governorate.
3. At 1530 hours on 9 July 1992, the aircraft set fire to fields of stubble near the village of Khadar belonging to Nimrud subdistrict in Ninawa governorate.
4. At 1345 hours on 13 July 1992, one of the aircraft ignited three thermal flares over a southern suburb of Mosul (Ninawa governorate).

With the Governments of the United States and the United Kingdom determined to increase the harm done to Iraq and its people and to infringe its sovereignty and security by continuing to have their aircraft set farmlands ablaze in Ninawa governorate, we are still awaiting your response to our appeal that you take steps in accordance with the principles of the United Nations Charter to put an end to such acts and prevent them from recurring.

Accordingly, the Government of the Republic of Iraq again charges the United States and United Kingdom Governments with full responsibility for engaging in internationally prohibited acts, as described in my letters of 23 and 28 June 1992 and in the present letter, and reiterates its request that the Security Council convene a special meeting to condemn those acts and to call upon the two Governments to desist therefrom and to pay compensation for the material damage they have inflicted upon Iraq and its people.



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LETTER DATED 22 JULY 1992 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I wish to transmit to you herewith a study prepared by the Ministry of Foreign Affairs of the Republic of Iraq entitled "The Sanctions Committee - working procedures and economic and humanitarian impact of the sanctions on Iraq".

I should be grateful if you would have this letter, together with its annex, the above-mentioned study, circulated as a document of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

Annex

THE SANCTIONS COMMITTEE - WORKING PROCEDURES AND ECONOMIC
AND HUMANITARIAN IMPACT OF THE SANCTIONS ON IRAQ

Introduction

Despite Iraq's compliance with the Security Council resolutions and the fact that the grounds for the issuance of Security Council resolution 661, which imposed comprehensive economic sanctions on Iraq, have ceased to exist, the Sanctions Committee, which is controlled by the dominant States in the Security Council, refuses to ease those sanctions, thereby ignoring the exceptions contained in Security Council resolution 687 (1991) relating to approval for the satisfaction of Iraq's basic civilian and humanitarian needs.

The purpose of this study is to present a succinct description of the Sanctions Committee and its operation and to provide concrete examples of that operation and its effects on the humanitarian needs of the Iraqi people.

The present study comprises three chapters: Chapter I, an introduction to the Sanctions Committee and its procedures, with a commentary on the nature of the Commission's work; Chapter II, a description of the obstacles which the Commission, by virtue of its procedures, places in the way of the satisfaction of Iraq's humanitarian needs; and Chapter III, the economic and humanitarian impact of the embargo and the sanctions.

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I. The Sanctions Committee and its procedures

1. The Sanctions Committee

Security Council resolution 661 (1990) of 6 August 1990, issued pursuant to Chapter VII of the Charter of the United Nations, imposed a total embargo on all exports from Iraq and the import into Iraq of commodities and services as well as all related financial transactions with the exception of supplies intended strictly for medical purposes and foodstuffs.

A committee of all the permanent and non-permanent members of the Security Council was established by the resolution in order to supervise the measures taken under the embargo imposed by the resolution and issue recommendations and letters concerning exceptions.

2. The working procedures of the Sanctions Committee

(a) Resolutions

The operation of the Committee is based on the principle of unanimity in the issuance of resolutions; in other words, each of its 15 members has the right of veto with respect to any decision concerning approval of the importation by Iraq of items coming under the heading of humanitarian needs.

The Committee's proceedings are conducted behind closed doors, only its members being permitted to attend its meetings. Moreover, it is the Committee itself that determines its agenda and procedures. The Committee has not established any procedural rules to govern its operation; rather, such procedures are determined on the basis of the matters and requests that come before the Committee. What is more, there are no fixed times for the Committee's meetings.

(b) Submission of applications

In the matter of obtaining approvals, the Committee deals with Governments only: i.e., the issuing State submits a copy of the proposed contract between the Iraqi side and the issuing side and requests the approval of the Sanctions Committee through the State's Mission to the United Nations. The Sanctions Committee then discusses the application.

If any member of the Committee does not approve the application, the Committee resumes the discussion of it after requesting more information and clarifications. In some cases the Committee modifies the nature of the application before issuing its final approval. This process is very time-consuming.

3. Remarks on the operation of the Committee

(1) This method of handling applications relating to the humanitarian needs of the Iraqi people blatantly ignores the urgent and imperative nature of those needs by subjecting them to additional discussion and making requests for information and clarifications, the basic objective being to procrastinate in acceding to strictly humanitarian requests. Furthermore, nothing requires the Committee to hold a meeting in the event of an urgent request for an item coming under the humanitarian, civilian needs of the Iraqi people.

(2) The system of voting on resolutions (unanimity) provides an opportunity for any member of the Committee to block the approval of any application on the basis of well-known political motives, devising arguments and pretexts in order to hinder the issuance of the approval decision.

This means that any approval hinges basically on the position of the three permanent members (France, Great Britain and the United States), which, as we know, deal with the humanitarian needs of the Iraqi people on the basis of political objectives which are well known, thus paralysing the work of the Committee.

(3) The Committee has excluded from its meetings and discussions the party that is fundamentally concerned by these applications and has the primary interest in the Committee's proceedings, namely Iraq, and even participation by Iraq in order that it might be consulted and that its clarifications and explanations might be heard in connection with any item for which approval is being delayed.

It is extremely important that there should be a representative of Iraq on the Committee in order to accelerate the approval procedure and limit the procrastination to which many of the applications submitted to the Committee are subject.

However, the purpose of barring the party concerned from the discussions is clear and simply reveals political motives dictated by the States that control the Security Council and bearing no relation to the pressing humanitarian needs of the Iraqi people.

II. Obstacles placed by the Committee in the way of the satisfaction of civilian humanitarian needs

Many members of the Sanctions Committee seek to put forward excuses and justifications in order to hinder compliance with civilian humanitarian requests submitted on behalf of Iraq, thus ignoring the most elementary humanitarian considerations and even the resolutions of the Security Council itself and the observations of the missions and organizations which were under the supervision of the United Nations, the Red Cross or other humanitarian organizations.

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It is clear from the meetings and debates of the Sanctions Committee that it is the representatives of three States (France, Great Britain and the United States) who in most cases attempt to create such obstacles and block any attempt to provide humanitarian aid to Iraq.

In September 1990, the United States and British representatives objected to a proposal submitted by the representative of Yemen that the Office of the Legal Counsel in the United Nations should interpret humanitarian conditions and state whether they apply to the situation of the Iraqi civilian population, so as to enable the Committee to examine the applications submitted to it in the light of those considerations and handle requests for the supply of drugs and foodstuffs to the civilian population.

The purpose of the American and British objection was to limit interpretation to the Security Council and operate on the basis of an extremely narrow interpretation in keeping with the scheming intentions of the three permanent members, with respect to the Iraqi civilian population. During that period there were a number of actions that were quite obvious, showing a blatant disregard for the civilian humanitarian needs of the Iraqi people as well as nationals of other countries that was incompatible even with the unfair provisions contained in the resolutions of the Security Council itself. On 7 September 1990 the United States representative, backed by the Western members, objected to a request by Bulgaria for permission for a ship carrying a load of baby food to sail to Iraq on the grounds that the food might be used by adults.

On 10 September 1990 the three permanent members blocked an Indian request to send a vessel laden with foodstuffs to its nationals in Iraq and Kuwait on the pretext of the need for consultations. Similar requests by Yugoslavia and Sri Lanka were obstructed in like manner and their approval was made contingent upon the verification of humanitarian conditions, while the same delegates obstructed the definition of the scope of those humanitarian conditions and their application to the case of the Iraqi civilian population.

Indeed, these practices took on a strange aspect indeed when the United States representative requested that an examination should be made of reports that non-governmental humanitarian organizations had sent foodstuffs from Jordan to Iraq - as if there were some crime in that.

The Committee did not decide that those conditions applied to the case of the Iraqi population until 22 March 1991, when the shortage of food and drugs and other civilian humanitarian needs became critical, with grave consequences in the social and economic spheres, especially for certain segments of the population, such as children, pregnant women and the elderly, and the poorer segments and even middle-class segments, which became poor as a result of the limitation of their income over against the rapidly increasing rate of inflation.

The following are examples of requests for humanitarian items used by strictly civilian sectors and their rejection by the Committee or a delay in accepting them on the basis of groundless, illogical excuses.

1. Denial on the pretext of dual use

In a world which abounds in advanced technology, it is always possible to substitute items and use them in more than one way, and it might be claimed that a great number of raw materials or semi-finished or finished products are being used in that manner. Yet such a theoretical possibility should not be arbitrarily employed to reject an application submitted on behalf of an Iraqi authority to which some members of the Committee do not wish to accede, in order to increase the pressure of the embargo. The Committee has used arguments such as this more than once to deny basic requests for foodstuffs, agricultural pesticides and other items. This is a measure to prevent compliance with requests relating to the humanitarian needs of the Iraqi people, as illustrated by the following examples:

(a) The Netherlands submitted a request at a meeting of the Sanctions Committee (67) held on 27 March 1992 for permission for the AK20 Company to export an NCR medical computer together with a keyboard, monitor and computer accessories to the Iraq Chemicals Company. This equipment is used solely for haematological studies and laboratory studies pertaining to hepatitis, and the supplier company assured that it was not possible to use it for any other purpose. Despite this, the Committee blocked approval of the application pending the obtainment of further information concerning the uses of the equipment and the institution which would be using it, so that this request is still in suspense.

(b) Denmark submitted a request for supplying children's hospitals in Iraq with heaters, and the Americans asked Denmark what guarantees Denmark had that the equipment might be used elsewhere than in the hospitals to which it was to be supplied (meeting 62, 6 June 1992).

Now we ask, is there any need for comment?

(c) On the basis of the same logic, a request to FAO to supply Iraq with 300 tons of insecticides requested by Iraq for the purpose of aerial spraying to combat agricultural pests has been kept pending owing to an objection by Great Britain, supported by the American representative, as usual, with a view to making sure that the insecticides would not be used for "dual" purposes.

2. Denial on the pretext of enhancing Iraq's industrial infrastructure

The Committee comes to us from time to time with strange justifications and pretexts for denying important, legitimate requests directly connected with the essential needs of the Iraqi population, such as medicine and food. The surprising examples which follow reveal the partiality and lack of objectiveness of the Committee's decisions.

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(a) The Sanctions Committee denied a request by Turkey to supply the Iraqi drug manufacturing company at Samarra with the following materials:

1. Rubber tube form Bytype rubber;
2. Rigged PVC sheet 61,000 tons.

Thus, on the grounds that this might enhance Iraq's industrial infrastructure, the Committee does not want Iraq to engage in manufacture to satisfy some of its pharmaceutical needs, but rather imposes on it the requirement that it should have recourse to international markets in order to satisfy those needs. And here there also begins a new phase of efforts involving the management of sources of financing and the release of frozen assets.

(b) For the same reasons stated above, the Committee rejected a Turkish request for the supply of materials used in the manufacture of the cleaning agents needed for health services, namely:

1. Salium carboxy 500 tons;
2. Caustic soda 1,000 tons;
3. Sodium sulphate 1,000 tons.

(c) The Committee also denied another request submitted by Turkey for supplying Iraq with 400 tons of activated oil. The argument which it constantly gave was that it feared a revival of the Iraqi industrial infrastructure, as though this went against the Security Council resolutions. In all cases it was the Americans who objected to compliance with the requests.*

(d) The most recent thing which the Committee did to us (at its 71st meeting held on 19 June 1992) was to deny a request submitted by the Moroccan Mission for the Moroccan company Bata to supply the State Leather Manufacturing Corporation, the largest shoe manufacturer in Iraq, with raw material for leather manufacture. The pretext was the same, namely that this might enhance the infrastructure of the Iraqi economy (sic). Has the obstructiveness of the American and British delegates reached such a shameful pitch?

3. The question of Iraqi currency impounded in Great Britain

The Central Bank of Iraq concluded an agreement with De La Rue, the British banknote-printing company, for the printing of banknotes in small denominations, namely 400 million banknotes in the 5-dinar denomination and

* Committee meeting (70) held on 11 May 1992.

400 million banknotes in the 10-dinar denomination, for a total value estimated at 5.5 million Iraqi dinars. The company has in fact completed printing of one quarter of that quantity and is ready to ship them to Iraq, but the shipment has been stopped on the pretext that it is in violation of the resolutions concerning sanctions.

Iraq presented a request to the Sanctions Committee in order to import the banknotes, because of the pressing increased need for them, for the population suffered due to the shortage of small denominations in circulation, which became a further technical cause of price increases. Citizens were forced to buy more than they needed or more than they could afford; furthermore, their budgets were rendered more complicated, for they increased their demand without any real reason. In addition, this situation led to selling at higher prices in order to avoid the problems of giving change in small denominations. Another group that was affected by the shortage of small currency denominations was children, when making their small purchases. All the humanitarian difficulties that arose from the shortage of monetary liquidity did not, in the eyes of Great Britain, warrant granting approval for the export of the banknotes to Iraq.

The British company requested Iraq to designate the international humanitarian organizations operating in Iraq as mediators with a view to obtaining official reports issued by them indicating in clear terms the difficulties that the Iraqi people were experiencing due to this problem, in order to enable it to apply to the British Government for export authorization.

The Office of the Coordinator of the United Nations Programme in Baghdad was approached, in connection with its contacts and consultations with the international humanitarian organizations.

This issue is still unresolved. The suffering of the Iraqi citizens still continues owing to British obstinacy and the hostile spirit in which Great Britain deals with the needs of the Iraqi people.

4. Freezing of the assets of joint companies

The embargo was not confined to Iraqi companies alone, but included all companies in which Iraq was a participant. The following are some examples:

(a) Assets belonging to the Arab Antibiotics Manufacturing Company were frozen despite the fact that the anticipated production of that company, which was in the final stages of being set up, was directly connected with the humanitarian needs of the Iraqi people, inasmuch as it is a pharmaceutical company. Its activity was the object of a total freeze, and its assets are still frozen at the Bank of New York in the United States of America. All the efforts it has made with the Sanctions Committee have been fruitless.

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(b) Another flagrant example in this connection is the Arab Industrial Investment Company, a joint-stock company having its principal place of business in Baghdad whose shareholders are Saudi Arabia, Libya, Kuwait, Qatar, Jordan, Morocco, Tunisia, Yemen and Iraq, had deposited its assets, amounting to \$54.66 million, in the Rafidayn Bank, which in turn deposited them with the Bank of New York, and the American authorities froze them along with other assets. This question has been brought before the Sanctions Committee, which has not taken any measures to unfreeze non-Iraqi assets. It is worth noting, however, that the company's activity involves participation in the capital of existing companies and the establishment, setting up, financing and owning of industrial enterprises and companies in the Member States and in other States. These two examples are intended to show the arbitrary manner in which the Sanctions Committee examines matters brought before it irrespective of the extent to which they relate to Iraq.

5. Frozen assets at the Bank for International Settlements in Basel

The examples included under this heading are perhaps the most telling regarding the unfair treatment of Iraq at the hands of the three permanent members (United States, Great Britain and France). In short, Iraq has balances with the Bank for International Settlements in Basel which were frozen, along with other Iraqi assets, pursuant to Security Council resolution 661 (1991). The Chairman of the Sanctions Committee sent a letter to the States concerned, one of which is Switzerland, in order to obtain the unfreezing of Iraqi assets for the purposes defined in paragraph 10 of resolution 687 (1991), i.e., foodstuffs, drugs and other essential humanitarian needs. The Bank for International Settlements, however, refused, on a number of pretexts, to unfreeze the assets. It should be pointed out that the Bank is more an international institution than a bank and is managed by the governors of the Central Banks of several European States. Consequently, unfreezing the funds is not the task of Switzerland but rather of the Bank's Board of Governors. Thus, the Bank is being pushed by some members (France, the United States and Great Britain in particular), and this is causing the Iraqi people severe distress due to the fact that it is deprived of its funds, which it needs in order to satisfy its essential humanitarian needs. Furthermore, this position must be deemed to be in clear violation of the directive mentioned above, issued by the Security Council Committee. The Committee has failed to take a serious stand regarding the interpretation of its directive issued on 16 May 1991.

III. Economic and humanitarian impact of the sanctions

Everyone is now aware of the extent of the material and human damage and destruction that has befallen the Iraqi people, in particular of the effects on more vulnerable groups.

In spite of the exceptions provided for in Security Council resolutions 661 (1990) and 687 (1991), covering materials and supplies necessary to meet essential humanitarian needs, the purposes of the Sanctions Committee at the practical level are incompatible with these exceptions. A request is acceded

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to or rejected on the basis of the convictions of this or that Committee member, and these convictions are formed basically in accordance with the obvious political criteria and motives of the States that dominate the Security Council, without any concern for the urgent and pressing humanitarian needs that are increasing daily and the effects of which are becoming apparent in children and old people.

As a result of the lack of foodstuffs and health materials and the materials and equipment necessary to operate vital facilities that fall within the category of humanitarian services, the situation of the majority of Iraq's population is worsening daily. The matter falls within the framework of an cohesive chain of material and humanitarian breakdowns that will ultimately cause an increase in the suffering of the more vulnerable groups, since the steady rise in prices, the steady decline in individual income value, the lack of foodstuffs and the deterioration of health conditions have had serious humanitarian and environmental reverberations on the society as a whole.

The impact of the decision of the Sanctions Committee may be divided into two parts:

1. Economic impact of the aggression and the sanctions

In today's economy, there is a strong interrelationship between the various productive and service economic sectors. There is mutual reliance among these production facilities, not to mention the internal cohesion inside each sector itself. Therefore, when some economic sectors, such as the industrial and agricultural sectors, were gravely affected, because of the lack of congruity between production and spare parts requirements, that had a serious impact on service sectors such as health, education and distribution.

As we know, the sanctions were prior to the military aggression, and it can therefore be said, on the basis of the subsequent conjecture of events, that a significant part of the hostile military effort was designed to compound the effect of the economic embargo. Thus, the evil purpose and despicable intentions were aimed at extending the embargo until the essential needs of the Iraqi people, such as foods and medicines and directly and indirectly related items, became protracted. That is in addition to the resulting deterioration of the means of satisfying them, owing to the economic, social and environmental impact on all social strata throughout rural and urban Iraq.

The halting of commodity and service imports directly paralysed the economic production and service sectors. This emerged as a grave deterioration of production inputs such as raw materials, semi-manufactures, spare parts and technical expertise. That led to a decline and a deterioration in production standards in those sectors and even a halting of production in some sectors.

Of course, meeting the local market need in any economy in the world is achieved through the local market or imports or both. Because there were no imports and production was halted in many cases and levels declined in many others with regard both to quantity and quality for the above-mentioned reasons, it was necessary to turn towards the world market to find a substitute for those goods and services.

However, ensuring the importation of those goods and services came up against two main obstacles, namely:

1. Financing;
2. Blocking because of the sanctions.

(a) Financing

One of the results of the sanctions was that Iraqi assets and funds were frozen in foreign banks. Since Iraq does not usually keep significant sums inside the country and most of its assets in gold and foreign currency are deposited in foreign banks to earn interest and for investment and to finance import contracts, it was deprived of the possibility of using its funds to cover the import of its requirements. Thus, the alternative is the resumption of oil exportation, which would provide, obviously, the necessary funds for those imports. The decisions of some of the members of the Security Council (three of the permanent members, in particular) stood in the way and continued to do so, without arriving at an agreement on the resumption of oil export to meet Iraq's need of food, medicines and other essential humanitarian needs.

(b) Blocking

The Committee, represented by its two Western members and for obvious political motives, has persisted in denying any request for the supply of goods to Iraq, by obstructing the supply thereof where there is a source of financing* or by blocking the source of financing where the import does not require the Committee's approval, as in the case of simple notification for foodstuffs and medicines. Accordingly, moving foodstuffs and medicines from the no-objection category to the simple notification category by no means signifies that, as may seem apparent, it is possible to import those items when the sources of financing for them are blocked.

Since it was not possible to maintain the freeze on those funds within the framework of the United Nations, the question of their release was consigned to bilateral relations. Here once again we find that those measures have led, from the practical viewpoint, to the activation of the political factor in enforcing release or freeze. The effects of that can be imagined

* Iraq might sometimes be able to secure agreement for the supply of foodstuffs and medicaments by term payment at high cost.

when we realize that most of Iraq's deposits are in those States that have adopted a policy hostile to Iraq's requests in the Committee (the three permanent members in particular).

1. In these abnormal circumstances, market forces have begun to interact rapidly, leading to extremely serious consequences economically and socially.
2. The lack of hard currency at the State and private sector levels caused the latter to use local currency to finance its imports. This led to a decline in the value of this currency outside the country and a fall in its domestic purchasing power.
3. The economy has entered a stage of anarchy, because of a cumulative inflation rate, which is difficult to cope with and the sanctions and the economic embargo. It is, indeed, impossible. Inflationary pressures may blast any economy even in the absence of such abnormal circumstances.
4. Some government measures aimed at lightening the burden on some sectors of the society - low-income groups - such as pay increases for white- and blue-collar workers have increased relative pressures and consequent distortions in the prices of goods and services and production costs.
5. The new non-covered monetary issuance has led to an increased decline in the national currency. The monetary authorities were forced to do this because of the encouragement of smuggling and bank looting in the governorate following the foreign aggression and treachery. In addition, there is the large amount of counterfeit currency pumped into the local market from abroad. In this regard, the Sanctions Committee did not accede to the release of Iraqi currency blocked in Great Britain, thereby contributing to the suffering of the civilian population by exposing them to an economic stranglehold.
6. The halting or decline of production has led to widespread unemployment, particularly in the private sector, not to mention the social effects of unemployment, even in the public sector. That phenomenon has brought losses to production sites, which are obliged to pay wages without achieving corresponding production.
7. Thus, serious phenomena have begun to accumulate and be compounded in the social structure of Iraq, such as bribery, theft, smuggling and speculation. We find that the sanctions are directed towards the destruction of the Iraqi society with prior intent and by means of a well-considered organized effort, all for political motives that are inconsistent with the values, customs and laws on which human society, past and present, is based.
8. Some of the production facilities which are linked by contracts with countries abroad and which are exposed to overwhelming losses as a result of the halt of production or the deterioration of some means of production owing to lack of maintenance, spare parts or production inputs cannot seek

compensation for damage according to the logic of the resolutions of the Security Council itself (paragraph 29 of resolution 687 (1991)).

9. Wear and maintenance. The Iraqi productive structure is exposed to a vast cumulative impact that is consuming it because of the lack of spare parts and maintenance, for such items are banned under the embargo. The long-term effects of such cumulative attrition will make Iraq an importer of everything it needs from abroad, which means the destruction of the national revolution and a dark future for coming generations.

The effects include the following:

1. Financial investment losses, the halting of financial transactions, the freezing of Iraqi assets abroad and Iraq's incapacity to pay the interest on its previous debts, leading to the imposition of unjustified interest on arrears. The resultant increase in the external debt burden is compounding the economic problems that will face Iraqi society as long as the embargo continues. In addition there is the interest on term payments to which Iraq resorts because its assets are frozen and it is impossible to utilize them. The same is true with regard to the interest charged for late payment on letters of credit.
 2. The indirect effects that have arisen or may arise from the economic embargo cannot be estimated at this time, because they are not confined to financial losses and expenses due to lost opportunities but depend also on how long the sanctions and the embargo will last.
 3. The dangerous thing with regard to this negative impact is its cumulative nature, i.e., its quantitative increase and the extent of its sectoral scope. Hence, the difficulty or the impossibility of treating it, particularly since it is leading to fundamental structural defects in the economic and social fabric.
2. Impact of the aggression on the humanitarian situation in Iraq

The reports of United Nations agencies and independent non-governmental relief bodies point to the phenomenon of an alarming rise in prices, particularly the prices of foodstuffs, medicines and vital and essential civilian requirements. At a time when the Government under a ration-card system is providing sufficient to meet one third of the individual's requirement of food items only, at low prices, the individual's other food requirements are met through the domestic market at steadily rising prices. The price of flour has risen 29 times, that of rice 26 times, that of cooking oil 15 times, that of sugar 29 times, that of powdered milk 19 times, that of legumes 37 times, that of fish 5 times, that of meat 4 times, that of eggs 13 times, that of tea 24 times and that of domestic cheese 6 times.

The prices of domestically produced vegetables and fruit are also constantly increasing. This increase in prices has greatly affected the purchasing power of the majority of the Iraqi people, particularly among low-income groups, including pregnant women and children. This constitutes 50 per cent of the total population. This figure may be broken down as follows:

Pregnant women	1 000 000
Children under 1 year of age	750 000
Children under 5 years of age	3 500 000
Children between 5 and 12 years of age	4 500 000

The war has destroyed all the electric power stations, water purification installations and drainage networks. In spite of all the efforts made to repair these systems, the lack of spare parts resulting from the embargo has made the operation of these stations on a regular basis extremely difficult. The International Committee of the Red Cross, in a report submitted to the Security Council, stated that of all five water purification units in Basra, only one was operational.

UNDR0 report No. 26 indicated that 40 per cent of water samples in Basra were polluted, and this is true also of the neighbouring governorates. The failure of waste water treatment centres and the facilities of the waste water network has led to drainage of non-treated or polluted water directly into water sources, that, in turn, has directly and considerably affected draw-off points for purification projects. The drainage of untreated water has led to the pollution of agricultural land and overflowing drains in residential areas. In some governorates, this has led to the formation of swamps and pools of brackish water that attracts swarms of insects. Everyone is aware of the extent of the danger lurking in such a situation and its alarming effects on the health and humanitarian situation.

This grave deterioration in the water and food sectors will certainly lead to broader deterioration in the health field, which will give rise to increasing needs for medicines and all kinds of medical requirements and equipment. The situation which the Iraqi people is suffering in the health field is extremely tragic, inasmuch as all the medical contributions of humanitarian organizations and bodies meet only a small portion of the actual needs of drugs and medical services.

Iraq's medicines budget for 1990 totalled \$350 million, allocated for the purchase of 1,200 types of miscellaneous drugs, in addition to \$150 million for procurement of other medical requirements. This figure does not include medical equipment and apparatus which Iraq provided to its hospitals. That equipment relied basically on sophisticated technology that Iraq imported from numerous establishments throughout the world and most of which was destroyed, particularly in the governorates where deception and treachery prevailed. The sanctions against Iraq have extended to the import of equipment and spare parts for it. Much equipment has now become unfit for use because of lack of spare parts or even because of the lack of the prerequisites for its

operation, such as X-ray plates, laboratory scanners, inks and even paper requirements. Without going into the details of health needs, the following table shows clearly the danger threatening the health situation in Iraq.

Disease	1989	1990	1991
	<u>Number of cases</u>		
Infantile paralysis	10	56	186
Angina	96	168	511
Whooping cough	368	489	1 537
Measles	5 715	7 524	11 358
German measles	514	693	2 848
Puerperal tetanus	42	393	936
Tetanus	32	87	933
Pneumonia	6 612	11 713	235 329
Mumps	9 639	15 962	22 718
Cholera	0	0	1 217
Typhoid	1 812	2 240	17 524
Giardiasis	73 412	1 134 222	501 391
Amoebic dysentery	19 615	32 957	58 311
Viral hepatitis	1 816	3 228	11 135
Meningitis	2 559	1 810	5 792
Domestic malaria	3 428	3 924	7 105
Baghdad rash	1 829	1 894	8 233
Black-water fever	491	576	3 713
Haemorrhagic fever	38	42	196
Malta fever	372	512	2 223
Ankylostomiasis	370	406	1 787
Scabies	0	198	1 892
Hydrophobia	25	37	256

In addition, the infant mortality rate has increased enormously. Whereas the total number of deaths of infants under the age of five totalled 3,560 in 1990, 27,473 children died in 1991. The statistics of the Ministry of Health show 8,081 deaths of children under the age of five for the months of January and February only in 1992.

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In addition to infant mortality, large numbers of Iraqis suffering from heart and kidney diseases, high blood pressure, diabetes and other non-contagious diseases have died because of the non-availability of medicines and other requirements for their appropriate treatment. The relief bodies do not provide such drugs and requirements, on the grounds that they do not come within the category of emergency needs. The medical sector's ordeal in Iraq at the present time is an ordeal of a special kind, because this sector relies basically, first, on imports from abroad and, secondly, on the state of the other sectors, the suppliers of food, water and environmental hygiene.

Environmental impact of the aggression and the sanctions

The environment in Iraq has been greatly affected by the war and the embargo, in addition to the strikes against electric generating installations, water purification installations, drainage facilities and pumping stations. The non-availability of preventive drugs and the impossibility of repairing these facilities makes the danger greater day by day and constitutes an increasing threat to public health and the health of the children primarily.

In addition, there is the accumulation of waste and the difficulty of transporting it to hygienic purification locations because of the lack of the necessary spare parts for operating the vehicles and trucks assigned to it. This has, naturally, led to an increase in the increased presence of insects carrying communicable and contagious diseases.

The immense scale of the military operations, particularly in the desert areas of a soft sandy nature, has affected the nature of the soft sandy soil and disrupted its surface, with consequent climatic effects that have had a considerable impact on health conditions.

The process of the breakdown in humanitarian services will end with the disaster leading to the collapse of the health sector. As all are aware, medicine is not the only treatment to save children or other vulnerable classes. It is preceded by a chain of essential humanitarian needs that must be met.

Conclusion

It appears from the foregoing that the work of the Sanctions Committee and the way it performs the tasks entrusted to it under Security Council resolution 661 (1990) are oriented towards the obstruction or rejection of any request by Iraq that enters into the area of civilian essential needs or a humanitarian nature, which has led to the increasing danger faced by vulnerable categories and the Iraqi people as a result of the deterioration of the economic situation.

The role of the Sanctions Committee in strengthening the terms of the embargo against Iraq is clear from the following:

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1. The nature of the procedure followed by the Committee in its work makes it difficult to respond promptly to Iraq's humanitarian requests. In addition to the extension of the hegemony and control of the States dominating the Security Council to the Sanctions Committee, in accordance with well-known political motives, the system of voting adopted by the Committee hinders the adoption of decisions and leads to procrastination on the pretext of seeking further information and clarifications. Moreover, the exclusion of Iraq, which is the main party concerned with its decisions, from the Committee's discussions constitutes another element aimed at obstructing approval of any request submitted by Iraq.

2. The Sanctions Committee justifies its refusal of many requests by alleging that the use of such materials or equipment might have a dual nature, and the Committee has worked on this basis with requests relating to medicines, medical necessities and insecticides, which are materials that cannot be other than of a purely humanitarian nature.

3. Similarly, the Sanctions Committee justifies its rejection of requests within the category of purely humanitarian necessities by alleging that such necessities come within the category that might enhance the Iraqi industrial structure, while the Committee members know full well that such materials are of a humanitarian service nature and that their availability is essential to the provision of humanitarian health and food services, which constitutes primary elements in the chain of essential humanitarian needs of any civilized community.

4. Non-facilitation of the release of Iraqi funds, which constitute one of the sources of Iraq's financing for humanitarian needs. Although the subject of expenditure on Iraqi humanitarian needs has been left to the decisions of States that hold frozen assets, these States are subject to political effects and pressures that obstruct the release of Iraqi funds.

This is in addition to the obstacles that the great Powers have placed before resumption of the export of Iraqi oil to finance their urgent humanitarian needs. The procedure of the Sanctions Committee and the arguments and justifications that it puts forward in order to reject Iraq's requests has led to the exacerbation of the economic and health situation and an increase in the incidence of disease, particularly among children.

The Sanctions Committee ignores the fact that humanitarian needs are in reality a cohesive chain of humanitarian services, plus materials and equipment which extends from the sectors of electricity, agriculture, water, sanitation, medicines and health and medical requirements, food, clothes and other educational and living requirements, and that, without attention to these needs, there can be no talk of easing the sanctions or lifting the embargo in respect of necessities that come within the framework of essential civilian humanitarian needs laid down in Security Council resolutions and are clearly indicated in the reports of United Nations missions and reports of the humanitarian organizations that have visited Iraq in recent times.



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LETTER DATED 22 JULY 1992 FROM THE PERMANENT REPRESENTATIVE
OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

On instructions from my Government, I wish to transmit herewith a letter dated 22 July 1992 from Mr. Ahmad Hussein, Minister for Foreign Affairs of the Republic of Iraq, concerning the letter dated 15 July 1992 addressed to you by the Secretary-General of the United Nations.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

Annex

Letter dated 22 July 1992 from the Minister for Foreign
Affairs of Iraq addressed to the Secretary-General

I have the honour to comment on the letter dated 15 July 1992 addressed to you by the Secretary-General of the United Nations, in which he discussed my letter dated 11 July, contained in document S/24276, as a basis for estimating Iraq's position with regard to the implementation of "a number of Security Council resolutions as well as some other matters". The Secretary-General concluded from what he indicated in his letter that the situation is "an absence of progress in negotiations and lack of cooperation by the Government, on the one hand and a deterioration in security conditions for United Nations and NGO personnel, on the other".

The Secretary-General's letter mentioned, firstly, the implementation of Security Council resolutions 706 (1991) and 712 (1991), as a starting-point for dealing with the question of the negotiations held at Vienna between Iraq and the Secretariat concerning the resumption of the export of Iraqi oil to show that, according to our above-mentioned letter, Iraq had not accepted the conclusions resulting from the latest round of negotiations. In this connection, I wish to recall that the negotiations process that took place between Iraq and the Secretariat was based, from the beginning, on producing an agreement to secure the desired ends of the two sides, in isolation from the two above-mentioned Security Council resolutions. This was our understanding as to the basis of the negotiations. This is still our understanding. Secondly, it must be acknowledged that what I stated in my letter of 11 July in respect of this issue proceeded initially from our understanding of the United Nations Charter provision guaranteeing the right of livelihood to men and consideration of the necessities of ensuring such livelihood in such a way as to realize the humanitarian essence of the Charter. Our letter proceeded from this understanding to discuss the outcome of the negotiations in the most recent formula, which included a very long series of restrictions and complexities affecting the purchase, shipping and distribution of food and drugs, with the accompanying possibilities of impediments, stoppage, surveillance and power of acceptance and refusal from a number of quarters. This renders the benefit to the Iraqi people from the whole process dubious, not to mention that the reality of the above-mentioned process would be the basis for the charge that the embargo against Iraq had been weakened, even though that was not the case. On this basis, we put forward a viewpoint espousing the workable and sound way, a viewpoint that is in accordance with all humanitarian instruments, including the Charter. The main thrust is that Iraq should be permitted to export oil in a normal and regular manner, with an understanding between Iraq and the United Nations as to the percentage of profit to be deducted for the account of the United Nations, in an uncomplicated manner, with the Security Council, if necessary, obliging States not to export a particular kind of goods to Iraq. In this connection, we referred to what had already happened and announced our readiness to restrict, for a particular agreed period, our sales and purchases

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from States members of the Council, with whom we had previously dealt. Then they would participate in the adoption of resolutions and the monitoring of their implementation and the propriety of the commercial dealings carried out by Iraq in accordance with commercial principles.

It is truly strange that we observe that the Secretary-General, instead of discussing all this, which we presented with profound and careful appraisal, should merely mention it in a general way without any particulars, claiming that the Secretariat had kept the members of the Council informally abreast of the status of the talks, and that he should ultimately register his view that what had been arrived at did not seem acceptable to Iraq. We wonder, on this occasion, which are the Governments meant by the Secretary-General when he said that the talks were subject to their agreement. Are they the Governments of all the States members of the Council or are they a number of Governments of permanent members? To be precise, is it all of them or certain of them? Does not reality indicate that the Governments meant are no more than one or two of the permanent member States that were the prime movers for all the regressive steps witnessed during the negotiations?

The Secretary-General's letter then turns to another question the tenor of which is that the Special Commission, acting under the explicit rights given to it by the relevant Security Council resolutions, notified the relevant Iraqi authorities of the inspection of certain premises in Baghdad and that the Government of Iraq denied and is continuing to deny up to now access of the inspection team to those premises. The least that can be said in this regard is that what is stated in the Secretary-General's letter represents a rash and vague description and not an accurate statement of the case in question. The inspection team referred to in the letter arrived in Iraq on 26 June and carried out 11 inspections of various sites. The Iraqi authorities did not obstruct its operations. On 5 July the team asked to inspect the premises of the Ministry of Agriculture and Irrigation, and the Iraqi side refused to carry out this provocative request, which represents an arbitrary interpretation of the mandate of the team and the Special Commission and a dangerous precedent aimed at impairment of Iraq's sovereignty. The inspection team put a cordon around the Ministry building, while part of the team continued to carry out additional inspection operations at eight new sites. These facts show that the Iraqi side's objection was not to the team's activities under its mandate but to efforts to exploit the cover of inspection for the purpose of encroaching on our national sovereignty. Unfortunately, these facts found no place in the Secretary-General's description of the situation.

Turning to another point, the Secretary-General's reference to denying the inspection team access to certain premises without specifying that these premises were those of the Ministry of Agriculture and Irrigation and without referring to the reasons and justifications of the Iraqi side for this denial reflects prior intentions to present Iraq as not complying with its obligations and to obscure the clear reasons and logic of Iraq's refusal.

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Iraq has explained the identity of this government building and the activities they house in more than one statement. A few hours after the inspection team's request to enter this Ministry, Iraq invited representatives of the press and international news agencies to visit the Ministry and see its activities and facilities. The following day, the Ministry was visited by representatives of Arab and foreign and diplomatic bodies functioning in Iraq, and they saw over its various parts. Then, in subsequent days, delegations from numerous organizations visited the Ministry. In spite of all these facts, the Secretary-General's letter insists on calling the Iraqi Ministry building "certain premises".

The subject of the building of the Ministry of Agriculture and Irrigation is still awaiting an equitable solution. It is useful that we indicate recent developments that have strengthened the credibility of Iraq's declarations regarding the fact that there is no relation between this Ministry and the requirements of resolution 687 (1991). The Deputy Prime Minister, Mr. Tariq Aziz, conveyed to Mr. Rolf Ekéus, Executive Chairman of the Special Commission, during his meeting with him on 19 July, Iraq's readiness to invite specialists in nuclear, chemical, biological, and ballistic fields from non-aligned countries and neutral countries that were members of the Security Council or from other States to visit the Ministry building, inspect it and see what it contained.

The offer on the part of Iraq revealed the spuriousness of the allegations given currency by some circles influential in the Security Council, which, unfortunately, use the United Nations and its resolutions as a cover for continuing their policies aimed at humiliating and repressing peoples.

The Secretary-General's letter also refers to the question of Iraq's position on the resolutions of the Iraq-Kuwait Boundary Demarcation Commission and the statement of the Security Council issued on 17 June 1992, as well as the question of the non-participation of the Iraqi representative in the sixth session of the Boundary Commission. It appears that the Secretary-General concludes from this stand that Iraq is not cooperating in the work of the Commission. Such a conclusion is totally at variance with the provisions of establishing the Commission and its rules of procedure, which do not compel any party to attend all meetings. Moreover, the Secretary-General is unable to cite any example of Iraq's obstruction of the work of the Commission.

Lastly, the Secretary-General's letter turns to the question of the Memorandum of Understanding regulating the Inter-Agency Humanitarian Programme in Iraq. The Secretary-General himself admits that this is not covered by a mandate from the Security Council. Nevertheless, he refers to it. The way in which the Secretary-General's letter deals with this subject also falls short of the full truth. Whenever the Iraqi side engaged in consultations with the Coordinator of the United Nations Programme in the context of the process of agreement on new measures agreed on for the forthcoming phase, he said that the United Nations recognized many new positive developments in the situation. In view of that, these developments must be taken into

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consideration. The Iraqi side expressed a number of reservations regarding the way in which the second Memorandum of Understanding, which expired on 30 June 1992, was being implemented, particularly the concomitant administrative, financial and security violations. The underlying reasons for the commission of the above-mentioned violations should be removed. Moreover, all that has been offered by the Programme, aside from any consultations with the competent Iraqi authorities or even the response to certain projects proposed for implementation, constitutes but a slight portion of the actual assistance sought for civilian needs in Iraq generally. Most of it has been earmarked for one area only, for well-known political reasons and in accordance with conditions set by the contributing States, as was admitted by the second Relief Coordinator. For all these reasons, the Iraqi side has asked that a new course be followed and that the United Nations give some thought to the matter.

The position of the United Nations during the period of the talks has remained frozen in the certainty that the project submitted on 2 June contains all the desired principles of the new project, although the project is just a precise copy of the second Memorandum of Understanding, with a partial and simple amendment of a non-essential nature. In the face of this unjustified persistence on the part of an organization that is supposed to be impartial and to act vis-à-vis a State Member of the international Organization in a manner completely different from the way States act in their bilateral negotiating relations, the Iraqi side has submitted a paper with a set of principles for new measures for the purpose of agreement. In spite of the Iraqi side's sustained effort to get a specific reaction from the Secretariat regarding the above-mentioned paper, the Secretariat's position was a mere repetition of what it had previously reiterated regarding its projects. The Iraqi side is still waiting for the Secretariat's reaction regarding the paper which it submitted.

There is another issue worthy of attention in the Secretary-General's letter, namely, the way in which the letter presented what should have been ascribed to the Iraqi side to the Relief Coordinator. In this connection we wish to emphasize that what is stated in the letter is but an attempt at a hasty and careless summary of what is contained in the Secretariat's project, the project which the Iraqi side has discussed in detail and for which it has finally submitted a paper of principles as a substitute.

With regard to visas and travel permits, spoken of in the Secretary-General's letter, it should be recalled that these measures were agreed on in the second Memorandum of Understanding, whose term has expired. Instead, there is now the entry and travel of hundreds of staff in all areas of the country, on the pretext of the implementation of the Programme, to the point where the Programme officials themselves are unable to give a clear and accurate picture of the staffing situation on request. The Ministry of Foreign Affairs has received various, disparate and sometimes contradictory lists regarding the situation of Programme staff. In addition, the Programme would constantly submit, on an almost daily basis, numerous applications for the entry of new staff, changes in staff and re-assignment, all this for a

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period of six months, the term of the second Memorandum of Understanding. All this happened at a time when the Programme was supplying only a very small portion of the civilian requirements of Iraqis generally, as we have said. What is the wisdom behind all this? We believe that the Secretary-General should seek clarification of the facts from the parties concerned before passing judgement prematurely and that attention must be paid to the fact that it is the right of any responsible Government in the world today not to allow what has been agreed on to be exploited for purposes not consonant with the agreement.

Lastly, with regard to the security situation to which the Secretary-General's letter refers, we wish to point out that the events that occurred in Baghdad are the subject of attention on the part of the competent Iraqi authorities and that on 20 July the Ministry of Foreign Affairs expressed to United Nations officials its full readiness to provide the desired protection for United Nations personnel, should they so wish.

I request you to inform the members of the Security Council of the above. Accept, Sir, the assurances of my highest consideration.

(Signed) Ahmad HUSSEIN
Minister for Foreign Affairs
of Iraq



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OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
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(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

* Reissued for technical reasons.

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Annex

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of Iraq addressed to the President of the Security Council

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to States members of the Council, with whom we had previously dealt. Then they would participate in the adoption of resolutions and the monitoring of their implementation and the propriety of the commercial dealings carried out by Iraq in accordance with commercial practice.

It is truly strange to see that the Secretary-General, instead of carrying out a profound and careful evaluation of all that we had presented, should merely mention it in a general way without any particulars, claiming that the Secretariat had kept the members of the Council informally abreast of the status of the talks, and that he should ultimately register his view that what had been arrived at did not seem acceptable to Iraq. We wonder, on this occasion, which are the Governments meant by the Secretary-General when he said that the talks were subject to their approval. Are they the Governments of all the States members of the Council or are they a number of Governments of permanent members? To be precise, is it all of them or certain of them? Does not reality indicate that the Governments meant are no more than one or two of the permanent member States that were the prime movers for all the regressive steps witnessed during the negotiations?

The Secretary-General's letter then turns to another question the tenor of which is that the Special Commission, acting under the explicit rights given to it by the relevant Security Council resolutions, notified the relevant Iraqi authorities of the inspection of certain premises in Baghdad and that the Government of Iraq denied and is continuing to deny up to now access of the inspection team to those premises. The least that can be said in this regard is that what is stated in the Secretary-General's letter represents a hasty and vague description and not an accurate statement of the case in question. The inspection team referred to in the letter arrived in Iraq on 26 June and carried out 11 inspections of various sites. The Iraqi authorities did not obstruct its operations. On 5 July the team demanded to inspect the premises of the Ministry of Agriculture and Irrigation, and the Iraqi side refused to carry out this provocative demand, because it represents an arbitrary interpretation of the mandate of the team and the Special Commission and a dangerous precedent aimed at the infringement of Iraq's sovereignty. The inspection team put a cordon around the Ministry building, while part of the team continued to carry out additional inspection operations at eight new sites. These facts show that the Iraqi side's objection was not to the team's activities under its mandate but to efforts to exploit the cover of inspection for the purpose of encroaching on our national sovereignty. Unfortunately, these facts found no place in the Secretary-General's description of the situation.

On the other hand, the Secretary-General's reference to denying the inspection team access to certain premises without specifying that these premises were those of the Ministry of Agriculture and Irrigation and without referring to the reasons and justifications of the Iraqi side for this denial reflects prior intentions to portray Iraq as not complying with its obligations and to obscure the clear and logical reasons for Iraq's refusal.

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Since the subject of the building of the Ministry of Agriculture and Irrigation is still awaiting an equitable solution, it is useful to point out that subsequent developments have strengthened the credibility of Iraq's declarations that there was no relation between this Ministry and the requirements of resolution 687 (1991). The Deputy Prime Minister, Mr. Tariq Aziz, conveyed to Mr. Rolf Ekéus, Executive Chairman of the Special Commission, during his meeting with him on 19 July, Iraq's readiness to invite specialists in nuclear, chemical, biological, and ballistic fields from non-aligned countries and neutral countries that were members of the Security Council or from other States to visit the Ministry building, inspect it and see what it contained.

The offer on the part of Iraq revealed the spuriousness of the allegations given currency by some circles influential in the Security Council, which, unfortunately, use the United Nations and its resolutions as a cover for continuing their policies aimed at humiliating and repressing peoples.

The Secretary-General's letter also refers to the question of Iraq's position on the decisions of the Iraq-Kuwait Boundary Demarcation Commission and the statement of the Security Council issued on 17 June 1992, as well as the question of the non-participation of the Iraqi representative in the sixth session of the Boundary Commission. It appears that the Secretary-General concludes from this stand that Iraq is not cooperating in the work of the Commission. Such a conclusion is totally at variance with the provisions of establishing the Commission and its rules of procedure, which do not compel any party to attend all meetings. Moreover, the Secretary-General is unable to cite any example of Iraq's obstruction of the work of the Commission.

Lastly, the Secretary-General's letter turns to the question of the Memorandum of Understanding regulating the Inter-Agency Humanitarian Programme in Iraq. The Secretary-General himself admits that this is not covered by a mandate from the Security Council. Nevertheless, he refers to it. The way in which the Secretary-General's letter deals with this subject also falls short of the full truth. When the Iraqi side engaged in consultations with the Coordinator of the United Nations Programme in the context of the process of agreement on new measures for the forthcoming phase, he said that the United Nations recognized many new positive developments in the situation. In view of that, these developments must be taken into consideration. The Iraqi side

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expressed a number of reservations regarding the way in which the second Memorandum of Understanding, which was to expire on 30 June 1992, was being implemented, particularly the concomitant administrative, financial and security violations. The underlying reasons for the commission of the above-mentioned violations should be removed. Moreover, all that has been offered by the Programme, without any consultations with the competent Iraqi authorities or even responding to certain projects proposed by them for implementation, constitutes but a slight portion of the actual assistance sought for civilian needs in all of Iraq. Most of it has been earmarked for one area only, for well-known political reasons and in accordance with conditions set by the contributing States, as was admitted by the second Relief Coordinator. For all these reasons, the Iraqi side has called for a new course to be followed and for the United Nations to present its idea on the matter.

The position of the United Nations during the period of the talks has remained dead set on emphasizing that the plan submitted on 2 June contained all the principles requested for the new programme, although the plan was just a true copy of the second Memorandum of Understanding, with a minor amendment of a non-essential nature. In the face of this unjustified persistence on the part of an organization that is supposed to be impartial and to act vis-à-vis a State Member of the international Organization in a manner completely different from the way States act in their bilateral negotiating relations, the Iraqi side has submitted a paper containing a set of principles for new measures to be agreed upon. In spite of the Iraqi side's sustained effort to get a specific reaction from the Secretariat regarding the above-mentioned paper, the Secretariat's position was a mere repetition of what it had previously reiterated regarding its plan. The Iraqi side is still waiting for the Secretariat's reaction to the paper which it submitted.

There is another issue worthy of attention in the Secretary-General's letter, namely, the way in which the letter presented what, according to the Relief Coordinator, the Iraqi side had put forward. In this connection we wish to emphasize that what is stated in the letter is but an attempt to give a partial and inaccurate summary of what was contained in the Secretariat's project, the project which the Iraqi side has discussed in detail and for which it has finally submitted a paper of principles as a substitute.

With regard to visas and travel permits, spoken of in the Secretary-General's letter, it should be recalled that these measures were agreed on in the second Memorandum of Understanding, whose term has expired. It led to the entry and travel of hundreds of staff in all areas of the country, on the pretext of the implementation of the Programme, to the point where the Programme officers themselves are unable to give a clear and accurate picture of the status of personnel when requested. The Ministry of Foreign Affairs has received different, disparate and sometimes contradictory lists regarding the status of Programme staff. In addition, the Programme would constantly submit, on an almost daily basis, numerous applications for the entry of new staff, changes in staff and re-assignment, all this for a period of six months, the term of the second Memorandum of Understanding. All

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this happened at a time when the Programme was supplying only a very small portion of the civilian requirements of all Iraqis, as we have said. What is the idea behind all this? We believe that the Secretary-General should seek clarification of the facts from the parties concerned before pre-judging the issue. Attention must be paid to the fact that it is the right of any responsible Government in the world today not to allow what it had agreed on to be exploited for purposes not consonant with the agreement.

Lastly, with regard to the security situation to which the Secretary-General's letter refers, we wish to point out that the events that occurred in Baghdad are the subject of attention on the part of the competent Iraqi authorities and that on 20 July the Ministry of Foreign Affairs expressed to United Nations officials its full readiness to provide the desired protection for United Nations personnel, should they so wish.

I request you to inform the members of the Security Council of the above. Accept, Sir, the assurances of my highest consideration.

(Signed) Ahmad HUSSEIN
Minister for Foreign Affairs
of Iraq



Security Council

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22 July 1992

ORIGINAL: ENGLISH

LETTER DATED 15 JULY 1992 FROM THE SECRETARY-GENERAL ADDRESSED
TO THE PRESIDENT OF THE SECURITY COUNCIL

I wish to bring to your notice an exchange of correspondence regarding the situation in Haiti.

On 18 June, I received a letter from President Aristide dated 3 June, which I brought to the attention of the Secretary-General of the Organization of American States (OAS) since, you will recall, OAS has, at the request of the Foreign Ministers of its member States, taken a leading role in efforts to restore democracy to Haiti. My mandate under General Assembly resolution 46/7 is more limited and has as its general purpose to support the action of OAS.

The Secretary-General of OAS has now responded to my letter. I therefore take pleasure in enclosing copies of the relevant correspondence.

I would appreciate it if you could bring these letters to the attention of the members of the Security Council for their consideration. I want also to inform you that I have decided to accept the offer of the Secretary-General of OAS to include participation from the United Nations in his proposed mission to Haiti.

(Signed) Boutros BOUTROS-GHALI

Annex I

Letter dated 18 June 1992 from the Secretary-General
addressed to the President of Haiti

[Original: French]

On my return from Rio de Janeiro I received your letter dated 3 June 1992 which reached me on 17 June 1992.

I assure you, Mr. President, that I am following with great attention the efforts you are making in order to restore democracy in Haiti with the support of the Organization of American States (OAS). As you are aware, the United Nations General Assembly, by resolution 46/7, gave me a mandate limited essentially to supporting the action of OAS. In those circumstances I ventured, in the spirit of the fullest cooperation and in order to avoid conflicting actions, to ask the Secretary-General, Baena Soares, for his opinion concerning the requests you made of me in your letter.

The High Commissioner for Refugees, Mrs. Ogata, was recently in contact with me in Rio de Janeiro and briefed me on her efforts with regard to the thousands of Haitians who are leaving their country. We are seeking means of alleviating the crisis they are facing.

I shall let you have my response to your requests when I have received those of the Secretary-General of OAS.

(Signed) Boutros BOUTROS-GHALI

Annex II

Letter dated 17 June 1992 from the Permanent Representative of
Haiti to the United Nations addressed to the Secretary-General

[Original: French]

I have the honour to transmit to you the enclosed letter addressed to you
by the Rev. Jean-Bertrand Aristide, President of the Republic of Haiti.

(Signed) Fritz LONGCHAMP
Ambassador
Permanent Representative

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Enclosure

Letter dated 3 June 1992 from the President of Haiti
addressed to the Secretary-General

[Original: French]

I noted with satisfaction at our recent meeting your concern about the political crisis which has beset my country since 30 September 1991.

The situation, which has already caused enormous suffering to the Haitian people and destroyed the emerging democratic institutions of the country, threatens to bring about the irreversible destabilization of the Haitian social order, thus seriously endangering peace and security in the region.

The Organization of American States which had been dealing with the question since the onset of the crisis, in accordance with Chapter VIII of the Charter of the United Nations, has not so far been able, despite its good intentions and tireless efforts, to restore democracy in Haiti. The decisions contained in resolutions MRE/RES.2/91 and MRE/RES.3/92 of the Ad Hoc Meeting of Ministers of Foreign Affairs of OAS in order to exert pressure on those who carried out the putsch have not achieved their intended objective because they have not been complied with by the international community as a whole.

It is today becoming increasingly evident that the United Nations, whose mission is to defend democratic institutions, also has a moral obligation to cooperate in efforts to reinstate the President who was elected under the first fair and democratic elections held in Haiti under the supervision of the world organization.

Accordingly, it is my earnest hope that the United Nations will assist the regional organization in achieving effective implementation of the above-mentioned resolutions, particularly compliance with the embargo and the dispatch to Haiti of a multidimensional mission.

I am very much aware of the need to inform OAS of the initiatives which may be taken by the United Nations in support of its efforts in this field. I shall instruct my Ambassador to OAS to contact the Secretary-General of that organization on this subject.

Furthermore, I fully appreciate that a commitment by the United Nations necessitates a clear mandate from the Security Council. My Government is actively working to achieve that objective.

In the interim, I think that the United Nations, in accordance with the Charter, should assume its responsibilities with regard to the continuing massive violations of human rights and the heart-rending drama of the Haitian refugees.

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In that connection, I take the liberty of asking you to send to Haiti a personal representative responsible for inquiring into cases of violations of human rights and for determining the humanitarian needs of the population with a view to submitting an overall evaluation of the political situation. This would enable you to prepare the report envisaged in paragraph 6 of General Assembly resolution 46/7.

I also hope that a team of officials working in the field of human rights will be sent to Haiti and will remain there until there is a substantial improvement in the human rights situation.

With regard to the Haitian refugees, it is imperative that the Office of the United Nations High Commissioner for Refugees should make every effort to ensure full compliance with article 33 of the Convention relating to the Status of Refugees.

In that connection, I suggest that the Office of the High Commissioner for Refugees should seek an advisory opinion from the International Court of Justice on the legality of the "Executive Order" issued by the United States Administration with regard to those refugees.

I also wish to request that UNHCR should send a team to Haiti to ascertain the conditions under which the refugees are being returned and, if necessary, to extend humanitarian assistance to them.

Lastly, I propose that UNHCR should keep in constant contact with my Government in dealing with this problematical matter.

With the assistance of our organization and in conjunction with OAS we already have hopes of finding a definitive solution to this long-drawn-out crisis.

(Signed) Jean-Bertrand ARISTIDE

Annex III

Letter dated 19 June 1992 from the Secretary-General addressed to
the Secretary-General of the Organization of American States

During our meeting in Rio de Janeiro on the occasion of the United Nations Conference on Environment and Development, we discussed cooperation between the United Nations and the Organization of American States regarding Haiti, having in mind our respective mandates.

In this connection, I wish to bring to your attention a letter dated 3 June 1992 from President Jean-Bertrand Aristide of Haiti, conveyed to me upon my return from Rio de Janeiro, which contains a number of requests addressed to the United Nations.

The Organization of American States (OAS) has, at the request of the Foreign Ministers of its member States, taken a leading role in efforts to restore democracy to Haiti. My mandate under General Assembly resolution 46/7 is more limited and has as its general purpose to support the action of OAS.

As concerns the humanitarian problem related from the flow of persons from Haiti, the United Nations High Commissioner for Refugees is actively engaged in efforts to bring relief. At her request, I have assisted her efforts.

Please be assured that, as I told you in Rio de Janeiro, I stand ready to assist in efforts to resolve the Haitian question and, specifically, would be prepared to participate in a joint mission such as that suggested by President Aristide in accordance with modalities to be worked out between the United Nations and the Organization of American States.

In the spirit of ensuring that any action to be undertaken by the United Nations is in conformity with the division of labour between the two organizations, therefore, I would very much appreciate receiving your views regarding President Aristide's requests, at your earliest convenience.

(Signed) Boutros BOUTROS-GHALI

Annex IV

Letter dated 10 July 1992 from the Secretary-General of
the Organization of American States addressed to the
Secretary-General

[Original: Spanish]

I have the pleasure to refer to your letter dated 19 June, which reached my office on 2 July, drawing my attention to the letter sent to you on 3 June by President Jean-Bertrand Aristide, and recalling our recent conversation in Rio de Janeiro concerning cooperation between the Organization of American States (OAS) and the United Nations with regard to Haiti, taking into account our respective mandates.

First, I should express my appreciation for your evident interest in promoting such cooperation, which I consider to be of the greatest significance.

I have taken note of your point of view, namely, that your mandate, in accordance with General Assembly resolution 46/7, is essentially to lend support to action by OAS, and I welcome your assurances of your readiness to assist in resolving the Haitian crisis.

You expressed an interest in my opinion of the requests made to you by President Aristide in his letter, of which you kindly transmitted a copy; accordingly, I should like to make the following observations frankly, without prejudice, of course, to the interest and respect which the views and ideas of the legitimate President of Haiti deserve.

Reference is made in your letter to Chapter VIII of the Charter of the United Nations as a basis for OAS action in response to the political crisis in Haiti. In fact, my Organization's mandate derives from its own Charter and also, in this case, from the Ad Hoc Meeting of Ministers for Foreign Affairs, convened pursuant to our General Assembly resolution 1080/91 for the purpose of considering the situation created in Haiti.

That resolution constitutes, in my view, a clear advance for democracy in the American hemisphere. It begins from the premise that a disruption of the democratic process in one country of this hemisphere affects the entire region. What is involved is a situation of this region's own making, which is therefore hardly applicable to other situations of regional or universal scope, the defining characteristics of which are necessarily different.

His Excellency Mr. Boutros Boutros-Ghali
Secretary-General of the United Nations
New York

The present crisis in Haiti is of an internal nature; it is a disruption of the democratic process recently initiated in that country and, accordingly, calls for joint action, in accordance with the commitments by which the American countries are bound.

The American aspirations to live in democracy are not new. Since the establishment of OAS, the region has held the conviction that democracy is the system under which the peoples of the hemisphere wish to live.

Thus, the OAS Charter contains several references in support of democratic institutions. Article 2 lists as one of the basic purposes of the Organization "to promote and consolidate representative democracy in the context of respect for the principle of non-intervention". Furthermore, article 5 reaffirms the principle that "the solidarity of the American States and the high aims which are sought through it, require the political organization of those States on the basis of the effective exercise of representative democracy".

Resolution 1080/91 of the OAS General Assembly established a mechanism to operate "in case of events which provoke an abrupt or irregular disruption of the democratic and constitutional political process or of the legitimate exercise of authority by a democratically elected Government in any of the States members of the Organization". The resolution entrusts the adoption of decisions deemed appropriate to the Ad Hoc Meeting of Ministers for Foreign Affairs or to a special session of the General Assembly.

The community of American nations, organized in OAS, has therefore characteristics that are peculiar to it, one of the main such characteristics being that relating to the promotion and consolidation of democracy. This has been reflected in regional legal instruments and is, in my view, one of the most valuable contributions which the region has made to the development of international law, it being understood that no claim is being made that these distinctive features are universally applicable.

The action taken by OAS with respect to Haiti, beginning with the decisions of the Ad Hoc Meeting of Ministers of Foreign Affairs, is in keeping with the tradition and the legal foundations of the regional system of the Americas.

Mention should be made of the intense effort which this Organization has mounted with respect to the crisis in Haiti. In addition to the three ad hoc meetings of Ministers of Foreign Affairs, the Permanent Council has held seven extraordinary sessions and eight regular sessions, during which the Haitian problem was exhaustively discussed. Even though these activities have been widely reported in the media, both on this continent and around the world, I should like to draw attention to the missions carried out in Haiti by a group of Foreign Ministers from the Americas together with the Secretary-General, and the negotiations that I have been conducting through my personal representative, which culminated in February of this year in the signing at

OAS headquarters of a protocol agreed upon by Haitian political representatives with President Aristide for bringing about a constitutional settlement to the crisis.

With regard to the measures taken by OAS, which recommend that States suspend economic, financial and trade ties with Haiti, with the exception of humanitarian assistance, I hope that renewed and growing support will be forthcoming from the States Members of the United Nations, in accordance with General Assembly resolution 46/7.

In the area of human rights in Haiti, the Inter-American Commission on Human Rights, in pursuance of resolution 1/91 of the Ad Hoc Meeting of Ministers of Foreign Affairs, took steps, within its sphere of competence, to protect and safeguard human rights in Haiti and submitted a report on this subject to the Permanent Council. I am, of course, looking forward with great interest to learning your views on possible ways of increasing the cooperation which exists between our organizations in this important area. As an example of this, I might mention that the current Chairman of the Inter-American Commission on Human Rights also submitted a report on the situation in Haiti to the United Nations Commission on Human Rights in his capacity as an independent expert.

With regard to the issue of Haitian refugees, which was also mentioned by President Aristide in his letter, there is a tradition of cooperation between OAS and the Office of the United Nations High Commissioner for Refugees (UNHCR). UNHCR officials have maintained contacts with my colleagues in the General Secretariat and a meeting was held at OAS headquarters at the end of last year, chaired by the head of the UNHCR Regional Bureau for Latin America. The meeting dealt in depth with the question of Haitian refugees. As regards this problem, too, I would be interested in learning your views on the possibility of strengthening our common efforts to achieve a satisfactory solution.

In my letters to your predecessor dated 1 and 8 October 1991, and in the letters I addressed to you on 27 February, 27 March and 28 May 1992, I referred to various aspects of cooperation between our two organizations on the question of Haiti. In addition, as you are aware, coordination meetings dealing with this question have been held at United Nations Headquarters with the participation of UNDP officials and officials from the OAS General Secretariat.

Lastly, as a further initiative in the pursuit of a solution to the serious political and institutional crisis in Haiti, I am organizing another mission to the country, which I shall personally head. To that end, I will be dispatching a preparatory mission to Port-au-Prince in the next few days in order to make contact with all sectors of Haitian society.

During my visit to Haiti, I hope I can count on the participation of other international agencies and, in particular, those of the United Nations. I shall be writing to you in due course to make practical arrangements for this purpose.

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I share your readiness to foster cooperation between our two organizations and, for my part, pledge anew my best efforts to make progress in this area. The strengthening of such cooperation will be of the utmost importance for the achievement of our common aim.

I am particularly grateful to you, Sir, for the assurances which you have given me to the effect that any action which the United Nations may take will be consistent with the division of labour between our two organizations. In this spirit, I am confident that we can engage in effective and constructive cooperation.

Accept, Sir, the renewed assurances of my highest consideration and personal esteem.

With best wishes.

(Signed) João Clemente BAENA SOARES
